



Rhode Island Department of Health

NOTICE OF PUBLIC HEARING

The Director of the Rhode Island Department of Health has under consideration proposed ***Rules and Regulations for the Licensure of Veterinarians (R5-25-VET)***. Only one section of the regulations is proposed to be amended {3.3 (c)} for the purpose of adding the “Program for the Assessment of Veterinary Education Equivalence {PAVE}” to the list of organizations certifying graduates of foreign veterinary medical schools.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matter, in the **AUDITORIUM** of the Cannon Building (on the lower level), Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island on **THURSDAY, NOVEMBER 30, 2006 AT 10:00 A.M.** at which time and place all persons interested therein will be heard. The seating capacity of the Cannon Building room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or mailed prior to the hearing date to: David R. Gifford, M.D., M.P.H., Director, Rhode Island Department of Health, #401 Cannon Building, 3 Capitol Hill, Providence, Rhode Island 02908-5097.

Copies of the regulations are available for public inspection in the Cannon Building, Room #404, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Department's website: www.health.ri.gov/hsr/regulations/index.php or the Secretary of State's website: <http://www.sec.state.ri.us/rules/> by calling 401-222-1039, or by e-mailing: Elizabeth.Shelov@health.ri.gov

The Cannon Building is accessible to the handicapped. Individuals requesting interpreter services for the hearing impaired must notify the Office of Health Services Regulation at 401-222-1600 (Hearing/speech impaired, dial 711) at least 72 hours prior to the hearing.

Signed this 19th day of October 2006

David R. Gifford, M.D., M.P.H.
Director of Health

RULES AND REGULATIONS
FOR THE
LICENSURE OF VETERINARIANS
(R5-25-VET)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health
February 1987

As amended:

March 1991

March 1993

June 1998

November 2001

January 2002 (re-filing in accordance
with the provisions of section 42-35-4.1
of the Rhode Island General Laws, as
amended)

June 2003

February 2006

October 2006 (Proposed)

COMPILER'S NOTES:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These *Rules and Regulations for the Licensure of Veterinarians (R5-25-VET)* are promulgated pursuant to the authority conferred under section 5-25-6 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting prevailing standards for the licensure of veterinarians in this state.

Pursuant to the provisions of section 42-35-3 (c) of the General Laws of Rhode Island, as amended, consideration was given in arriving at the regulations to: (1) alternative approaches to the regulations; and (2) duplication or overlap with state regulations. These amended rules and regulations shall supersede any other *Rules and Regulations Pertaining to Licensure of Veterinarians* promulgated by the Department of Health and filed with the Secretary of State.

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PART I *DEFINITIONS AND LICENSURE REQUIREMENTS*

Section 1.0 *Definitions*

Wherever used in these rules and regulations, the terms listed below shall be construed as follows:

- 1.1 *"Act"* means Chapter 5-25 of the General Laws of Rhode Island, as amended, entitled, "Veterinary Practice Act."
- 1.2 *"Animal"* means any animal other than man and includes, by the way of illustration, not limitation, fowl, birds, fish, livestock and reptiles, wild or domestic, living or dead.
- 1.3 *"Board"* means the Board of Veterinary Medicine established under the provisions of section 5-25-1 of the Act.
- 1.4 *"Client"* means the owner of the pet.
- 1.5 *"Department"* means the Rhode Island Department of Health.
- 1.6 *"Director"* means the Director, Rhode Island Department of Health.
- 1.7 *"Non-contact hours"* means Internet courses, correspondence courses, tapes, or other continuing education programs that do not provide for direct interaction between faculty and the participant.
- 1.8 *"Practice of veterinary medicine"* means any person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of the Act who, either directly or indirectly, does any of the following:
 - (1) represents himself/herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches;
 - (2) diagnoses, treats, administers, prescribes, operates on, manipulates or applies any drug, biologic or chemical or any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal for the prevention of or to test the presence of any disease;
 - (3) cuts any tissue, muscle, organ or structure of any animal for the above-described purposes or for the purpose of altering the natural condition of any animal or for any other purpose, cause or reason whatsoever.

The term "practicing veterinary medicine" does not include:

- (1) The calling into the state for consultation of duly licensed or registered veterinarians of any other state as to any case under treatment by a veterinarian registered under the provisions of the Act.
- (2) The experimentation or research of a registered physician, dentist or osteopath.

- (3) The experimentation and research activities conducted at any hospital, laboratory, or educational institution provided the activities have been approved and authorized by the Department within the period of one year prior to the commencement of each separate project or activity or are conducted under the general supervision and control of a registered veterinarian, physician, dentist, or osteopath.
 - (4) The gratuitous giving of aid or relief to an animal in any accident or emergency, provided the person giving the aid or relief does not represent himself or herself as a registered veterinarian.
 - (5) The nursing care to animals in the establishment or facilities of a registered veterinarian under his or her general supervision, direction and control by the employees of the veterinarian or the activities of a person assisting a veterinarian during the course of any procedure or treatment.
 - (6) To a person who is a regular student in a legally chartered college or school of veterinary medicine while in the performance of the duties and activities assigned by his or her instructors and provided there is a licensed veterinarian to supervise those acts.
 - (7) To a person who is a member of the armed forces of the United States or who is an employee or official of the United States department of agriculture, public health service, or other federal agency or of the state, who while so commissioned or employed, performs official duties.
 - (8) To a person who conducts routine vaccinations, pullorum testing and typhoid testing of poultry and other poultry disease control activity under the supervision of an official state or federal agency or department of agriculture.
- 1.9 **"Prescription"** means an order from a veterinarian to a pharmacist authorizing the dispensing of a prescription veterinary drug to a client for use on or in a patient.
- 1.10 **"Veterinarian"** means a person who practices veterinary medicine and is licensed to practice veterinary medicine in this state pursuant to the provisions of Chapter 5-25 of the General Laws of Rhode Island, as amended.
- 1.11 **"Veterinarian/client/patient relationship"** means a relationship where all of the following conditions have been met:
- (a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the instructions of the veterinarian.
 - (b) The veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary (e.g., tentative) diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with

the keeping and care of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept.

- (c) The veterinarian is readily available for follow-up in cases of adverse reactions or failure of the regimen of therapy.
- (d) The veterinarian maintains records which document patient visits, diagnosis, treatment, and other relevant information.

1.12 **“Veterinary dentistry”** means that part of veterinary science that deals with the prevention and treatment of diseases, developmental conditions and injuries of the teeth, gums and oral cavity in animals.

Section 2.0 ***License Requirements***

2.1 No person unless licensed to practice veterinary medicine in this state shall practice veterinary medicine or attempt to practice veterinary medicine or hold himself or herself out to the public as a practitioner of veterinary medicine, surgery or dentistry, whether by sign, words, advertisements, listing in directories, or use of the title "doctor" or any abbreviation thereof or any title including "VS" or by the use of any other means, implying a practitioner of veterinary medicine or any of its branches, or fraudulently uses or posts any degree, diploma or certificate implying a practitioner of veterinary medicine or who opens an office or maintains an establishment or facility for the purpose of or with the intention of practicing veterinary medicine.

2.1.1 Notwithstanding the provisions of section 2.1 above, excluded from the application of the term "practice of veterinary medicine" are those individuals who under given circumstances are excluded from the provisions of the Act as set forth in section 5-25-7(b) of the Act, and consequently excluded from the licensure requirements herein.

Section 3.0 ***Qualifications for Licensure***

Graduates of Schools Located in the U.S.A. and Canada

3.1 An applicant seeking licensure to practice veterinary medicine in this state must:

- a) be of good moral character;
- b) have graduated from a school or college of veterinary medicine accredited by the American Veterinary Medical Association; ***and***
- c) have satisfactorily completed a national veterinary board licensing examination as approved by the Board and as follows:
 - (i) Prior to 1 May 1979, an applicant shall have successfully completed the National Board Examination (NBE) for Veterinary Medicine;

- (ii) Between 1 May 1979 and April 2000, an applicant shall have successfully completed the NBE and the Clinical Competency Test (CCT);

The passing score for the National Board Examination (NBE) for Veterinary Medicine and the Clinical Competency Test (CCT) shall be minus one (-1.0) Standard Deviation of the median score as determined by the testing service for all applicants who were administered the NBE and the CCT prior to 1 December, 1992. For applicants administered the NBE and the CCT after 1 December 1992, the passing score shall be the criterion referenced passing score, as recommended by the National Board Examination Committee, Standard Setting Committee.

- (iii) After May 2000, an applicant shall have successfully completed the North American Veterinary Licensing Examination (NAVLE); The passing score shall be the criterion referenced passing score, as recommended by the National Board Examination Committee, Standard Setting Committee.
- (iv) Applicants may complete other national veterinary board examination(s), including a clinical competency test, as may be approved by the Board. The passing score shall be the criterion referenced passing score, as determined by the national veterinary board administering the examination.

- d) Comply with the continuing education requirements adopted by the Department.

Licensure by Endorsement

3.2 A license to practice veterinary medicine may be issued without examination to an applicant who has been duly licensed by examination as a veterinarian under the laws of another state or territory or District of Columbia provided:

- a) the board of veterinary medicine in each state in which the applicant has held or holds licensure submits directly to the Board of this state, a statement attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
- b) the applicant meets the qualifications to practice veterinary medicine in this state in accordance with section 3.0 herein; and
- c) the applicant submits the licensure application form with supporting certified documentation of credentials in accordance with section 4.0 herein.

Graduates of Foreign Veterinary Medical Schools

3.3 An applicant seeking licensure to practice medicine in this state and who is a graduate of a foreign veterinary medical school must:

- a) be of good moral character;
- b) have graduated from an "AVMA-listed" or "AVMA-approved" institution.

- c) have obtained certification by the Educational Council (Commission) for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence (PAVE) pursuant to section 5-25-10 of the Act; *and*

have satisfactorily passed the National Board Examination for Veterinary Medicine and the Clinical Competency Test approved by the American Veterinary Medical Association, or other Board-approved examination as indicated in the appropriate subsection of 3.1 (c) herein.
- d) Comply with the continuing education requirements adopted by the Department.

Section 4.0 *Application for License and Fees*

- 4.1 Application for licensure shall be made on forms provided by the Department and shall be completed, notarized and submitted to the Board sixty (60) days prior to the scheduled date of the Board meeting by applicants seeking licensure.
- 4.2 Such application shall be accompanied by the following documents and fee (non-refundable and non-returnable);
 - a) ***Photographs:*** a recent identification photograph of the applicant, head and shoulder front view approximately 2 x 3 inches in size;
 - b) ***Verification:*** the Board of Veterinary Medicine in each state in which the applicant has held or holds licensure submitted directly to the Board of this state, a statement attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
 - c) ***Transcripts:***

For graduates of accredited schools in the U.S. and Canada: supporting certified transcript of education credentials as required in the appropriate section of 3.0 herein, signed by the dean or registrar of the school of veterinary medicine, verifying the dates of attendance and completion of the veterinary program. Such documentation must consist of original statements and/or photocopies bearing the signature of the dean or registrar and the imprint of the school seal;

For graduates of foreign "listed or approved" schools: a letter from the ECFVG attesting to the satisfactory completion of evaluation of credentials and Veterinary knowledge.
 - d) The results of the national veterinary board examination as required by section 3.1 (c) herein must be submitted directly to the Board.
 - e) ***Fees:*** the application fee of twenty-five dollars (\$25.00) made payable to the General Treasurer, State of Rhode Island (non-returnable nor non-refundable);

- f) ***Initial Licensure Fee:*** the initial licensure fee of two hundred fifty dollars (\$250.00) made payable to the General Treasurer, state of Rhode Island.
- g) ***Other:*** such other information as may be deemed necessary and appropriate by the Board.

Section 5.0 ***Issuance and Renewal of License and Fee***

- 5.1 Upon completion of the aforementioned requirements and at the recommendation of the Board, qualified applicants which the Department may accept or reject, the Department may issue an initial license to those applicants found to have satisfactorily met all the requirements herein and upon submission of an initial licensure fee of two hundred fifty dollars (\$250.00) made payable to the General Treasurer, state of Rhode Island. Said license unless sooner suspended or revoked shall expire on the first day of May of each even numbered year and may be renewed upon submission of licensure renewal fee of two hundred fifty dollars (\$250.00) made payable to the General Treasurer, state of Rhode Island.
- 5.2 On or before the first day of March of each two-year period, the Department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every person so licensed who desires to renew his or her license shall file with the Department such renewal application duly executed, together with a renewal fee of two hundred fifty dollars (\$250.00) on or before the thirty-first day of March of each even year.
- 5.3 Upon receipt of such application, and payment of said fee, the Department shall grant a renewal license effective the second day of May, and expiring on the first day of May of the next even-numbered year.
- 5.4 Any person who allows his or her license to lapse by failing to renew it on or before the thirty-first day of March of the next even year, may be reinstated by the Department on payment of the current renewal fee, plus an additional fee of sixty-two dollars and fifty cents (\$62.50) made payable to the General Treasurer, State of Rhode Island. Any person using the title “veterinarian” during the time that his/her license has lapsed shall be subject to the penalties provided for violations of the Act.

Section 6.0 ***Continuing Education***

- 6.1 Pursuant to the provisions of section 5-25-12 of the Act, effective May 2, 2008, every veterinarian licensed to practice veterinary medicine within the state shall in connection with renewal of licensure, provide satisfactory evidence to the Department that in the preceding two-year period, the veterinarian has completed a prescribed course of continuing professional education established by an appropriate professional veterinary medicine association and approved by the Department.
- 6.2 Veterinarians initially licensed after the May 1st renewal date shall be exempt from the continuing education requirements stated herein until the date of the next renewal cycle (i.e., April 30th of the next even numbered year).

- 6.3 All veterinarians licensed to practice in this state shall maintain evidence that in the preceding two (2) years, he/she has satisfactorily completed at least twenty-four (24) hours of continuing veterinary medical education courses offered or sponsored by organizations approved by the Board.
- 6.4 Continuing education programs approved by the Board include those offered or approved by:
- a) Rhode Island Veterinary Medical Association or other state veterinary medical association;
 - b) American Veterinary Medical Association (AVMA);
 - c) Registry of Approved Continuing Education (RACE);
 - d) American Animal Hospital Association;
 - e) Boards of licensure of veterinary medicine in other states;
 - f) Academic coursework or continuing education programs offered by an approved school of veterinary medicine.
- 6.5 A maximum of four (4) hours of the required twenty-four (24) hours of continuing education in a two-year period may be non-contact hours (e.g., online courses) or articles such as those in the *Veterinary Learning Systems Compendium* for continuing education.
- 6.6 A maximum of four (4) hours of the required twenty-four (24) hours of continuing education in a two-year period may be related to business management. The remaining twenty (20) hours of continuing education in a two-year period shall be related to the professional practice of veterinary medicine.
- 6.7 It shall be the sole responsibility of the individual veterinarian to obtain documentation from the recognized sponsoring or co-sponsoring organizations, agencies or other, of his or her participation in the learning experience and the number of dated credits earned. Furthermore, it shall be the sole responsibility of the individual to safeguard the documents for review by the Board, if required. These documents shall be retained by each licensee for no less than four (4) years and are subject to random audit by the Department.
- 6.8 The Department may extend for any one six (6) month period, these educational requirements if the Department is satisfied that the applicant has suffered hardship which prevented him/her from meeting the educational requirements stipulated herein.
- 6.9 Failure to produce satisfactory documentation of completion of the continuing education requirements of this section, upon request by the Board, constitutes grounds for disciplinary action under the provisions of the Act and the rules and regulations herein.

Section 7.0 *Students*

- 7.1 Pursuant to section 5-25-7 (b)(6), the term "practicing veterinary medicine" does not apply to a person who is a regular student in a legally chartered college or school of veterinary

medicine while in the performance of such duties and activities assigned by his or her instructor, and provided, there is a licensed veterinarian to supervise such acts.

Section 8.0 *Denial, Suspension, Revocation of License*

8.1 The Department is authorized to deny, revoke or suspend any license issued under the statutory and regulatory provisions herein or otherwise discipline a licensee upon proof of the following:

- (1) Conviction of a crime involving moral turpitude; conviction of a felony; and conviction of a crime arising out of the practice of veterinary medicine;
- (2) Addiction to narcotics, habitual drunkenness or rendering professional services to a patient while the veterinarian is intoxicated or incapacitated by the use of drugs;
- (3) Knowingly placing the health of a client at serious risk without maintaining proper precautions;
- (4) Fraud or misrepresentation in any phase of procuring or renewing a license;
- (5) Unprofessional conduct which shall include failure to comply with the statutory and regulatory provisions herein;
- (6) Advertising designed to mislead the public;
- (7) Representing certain procedures be performed with greater authority or expertise;
- (8) Fraud or misrepresentation of treatment procedures or statements regarding the ability to treat;
- (9) Fee splitting or kickbacks of any kind, except where services are provided jointly;
- (10) Failure to maintain acceptable sanitation standards;
- (11) Malpractice, gross negligence or wanton disregard of accepted professional standards;
- (12) Adjudication of mental incompetence; or
- (13) Lack of fitness to practice by reason of mental or physical impairment or otherwise.

PART II *VETERINARY PRACTICE*

Section 9.0 *Emergency Services*

- 9.1 When a practicing veterinarian is not available, he/she shall provide for referral for emergency veterinary services. Such referral, at the minimum, shall be a combination of a posted sign at the veterinary practice entrance and access to emergency veterinary services through the veterinary practice main telephone number.
- 9.2 A veterinarian who advertises veterinary emergency services shall include in all such emergency service advertisements the hours during which such emergency services are provided and the availability of the veterinarian who is to provide emergency service in his/her practice.
- 9.3 The availability of the veterinarian who is to provide emergency service shall be specified as either “veterinarian on premises” or “veterinarian on call.”
- 9.3.1 The phrase “veterinarian on premises” shall mean that there is a veterinarian actually present at the hospital, clinic or other type of veterinary practice, who is prepared to render emergency veterinary services.
- 9.3.2 The phrase “veterinarian on call” shall mean that a veterinarian is not present at the hospital, clinic or other type of veterinary practice but is able to respond within a reasonable time to a request for emergency veterinary services and has been designated to so respond.

Section 10.0 *Record of Animals Receiving Veterinary Services*

- 10.1 A veterinarian subject to the provisions of the Act and the rules and regulations herein shall keep a written record, or a computerized record able to produce a printed copy, of all animals receiving veterinary services, and provide a summary of that record to the owner of animals receiving veterinary services, when requested.
- 10.2 The minimum amount of information which shall be included in written or computerized records and summaries shall include no less than the following:
- a) client’s name;
 - b) patient’s name;
 - c) patient’s species and breed;
 - d) patient’s age or date of birth;
 - e) patient’s gender and reproductive status;
 - f) patient’s color and/or markings;
 - g) dates(s) of treatment;
 - h) presenting problem;
 - i) pertinent history;
 - j) examination findings;
 - k) assessment;
 - l) plan for treatment/care.

- 10.3 The minimum duration of time for which a licensed veterinarian or his/her designee shall retain the written or computerized record, including radiographs, shall be no less than five (5) years from the date of the last patient visit or, for deceased patients, no less than three (3) years from the date of death.
- 10.4 A radiograph is the property of the veterinary practice in which the veterinarian associated with that practice originally ordered it to be prepared, and it shall be released upon the written request of another veterinarian who has the authorization of the owner of the animal to whom it pertains and such radiograph shall be returned to the original veterinary practice within a reasonable time.
- 10.5 When a patient/owner requests in writing that his/her animal(s)' records and/or radiographs be transferred to another veterinarian, the original veterinarian shall promptly honor such request.
- 10.5.1 The fee charged for the transfer shall not exceed the direct expense incurred to make copies of such veterinary records and/or radiograph(s).
- 10.6 Any veterinarian licensed in the state of Rhode Island who writes a prescription for an animal patient shall provide a copy of that prescription to the owner of the animal patient, upon request of the owner, for the purpose of filling the prescription with a licensed pharmacy. Said prescription shall be written in accordance with the requirements of Chapter 21-31.1 of the Rhode Island General Laws, as amended ("Veterinary Drugs").
- 10.7 Veterinary drugs dispensed by a veterinarian shall comply with the requirements of section 21-31.1-8 of the Rhode Island General Laws, as amended, except for the prescription number.

Section 11.0 *Immunity from Liability*

- 11.1 In accordance with section 5-25-17 of the Rhode Island General Laws, as amended, no veterinarian licensed under the provisions of the Act or members of the same profession duly licensed to practice in other states of the United States, who voluntarily and gratuitously renders emergency veterinary assistance to an animal in need thereof, shall be liable for civil damages for any injuries which result from acts or omissions by those persons in rendering the emergency care, which may constitute ordinary negligence.
- 11.2 The immunity granted by this section shall not apply to acts or omissions constituting gross negligence.

PART III *VIOLATIONS / SANCTIONS / PRACTICES AND PROCEDURES / SEVERABILITY*

Section 12.0 *Violations and Sanctions*

- 12.1 Pursuant to the provisions of the Act, the Department is authorized to deny, revoke or suspend licenses to any person found to have violated any provisions of the rules and regulations herein, and to impose such other sanction pursuant to section 5-25-8 of the Act. The procedure for the discipline of veterinarians shall be in accordance with the provisions set forth in section 5-25-15 of the Act.

Section 13.0 *Rules and Regulations Governing Practices and Procedures*

- 13.1 All hearings and reviews required under the provisions of the Act and the rules and regulations herein, shall be held in accordance with the provisions of section 5-25-15 of the Act and the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 14.0 *Severability*

- 14.1 If any provision of the rules and regulations herein or the application to any facility or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end, the provisions of the rules and regulations are declared to be severable.

Monday, October 16, 2006
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